

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Civil Action No. 98-01495-HHK
	)	
v.	)	
	)	
MACK TRUCKS, INC.,	)	
	)	
Defendant.	)	
_____	)	

**NOTICE OF AGREEMENT REGARDING ALLEGED  
NON-COMPLIANCE WITH CONSENT DECREE**

Plaintiff, the United States of America, on behalf of the U.S. Environmental Protection Agency (“EPA”), hereby gives notice that the United States has entered into an Agreement Regarding Alleged Non-Compliance with Consent Decree (the “Agreement”) with Defendant Mack Trucks, Inc. (“Mack”). A copy of the Agreement is attached hereto.

No action by the Court is required, but the United States is filing this Notice to apprise the Court of the parties’ successful resolution of an allegation by the United States of non-compliance with the Consent Decree by Mack.

The United States contends that Mack violated a provision of the Consent Decree’s Section IX (Low NO<sub>x</sub> Rebuild Program) by omitting 5786 engines from the program. The Agreement provides that this violation will be resolved by Mack’s commitment to reflash an additional 1200 engines that are eligible for Low NO<sub>x</sub> reflashes and Mack’s payment of a penalty of \$300,000, to be split between the United States and the State of California.

Because of the potential public interest in the remedial aspects of the Agreement, the United States will publish notice of the Agreement in the Federal Register and provide a public

comment period. The Agreement will become effective upon expiration of the public comment period and the United States' notice to Mack and the Court that it has determined the comments, if any, do not present facts or considerations indicating that the Agreement is inappropriate, improper, or inadequate. As noted above, no action by the Court is required.

Respectfully submitted,

RONALD J. TENPAS  
Assistant Attorney General  
Environment & Natural Resources Division

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MACK TRUCKS, INC.,	)	
	)	
Defendant.	)	
_____	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of May, 2008, I caused a true and correct copy of the **NOTICE OF AGREEMENT REGARDING ALLEGED NON-COMPLIANCE WITH CONSENT DECREE** to be served upon the following counsel for Defendant by first-class U.S. Mail, postage prepaid:

Julie R. Domike  
Wallace King Domike & Branson  
1050 Thomas Jefferson Street, N.W.  
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